

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ANSELMO FLORES PEREZ,
Petitioner,

v.

KRISTI NOEM, et al.,
Respondents.

Civil Action No. 3:25-CV-2920-K-BN

**RESPONDENTS' RESPONSE TO PETITIONER'S EMERGENCY
MOTION FOR ENTRY OF ORDER ADOPTING
FINDINGS, CONCLUSIONS, AND RECOMMENDATION**

This habeas case was filed by petitioner Anselmo Florez Perez, a Mexican citizen who entered the United States without being inspected or paroled and who was recently detained by U.S. Immigration and Customs Enforcement (ICE) for removal proceedings after being arrested in Euless, Texas while driving without a license. Although the government has detained Petitioner under the authority of 8 U.S.C. § 1225, which requires mandatory detention, Petitioner claims that he is entitled to a bond hearing in immigration court, and the Magistrate Judge recently issued a findings, conclusions, and recommendation (FCR) agreeing that a bond hearing is required. (Dkt. No. 13.) The government objected to the FCR (Dkt. No. 14 (arguing that no bond hearing is required)), and Petitioner then filed a response to the government's objections—but did not file any objections of his own, (*see* Dkt. No. 15).

Petitioner has now filed an “Emergency Motion Requesting Entry of Order Adopting Findings, Conclusions, and Recommendations.” (Dkt. No. 16.)

Notwithstanding the title of the motion, though, the motion in fact goes far beyond what is recommended in the FCR, and seeks an order requiring Petitioner's outright release from custody no later than noon tomorrow. (Dkt. 16.) The motion also recites that the government "agrees" that the habeas petition is "ripe for decision" in this case. (Dkt. No. 16 at 4.) To be clear, the government agrees that the issue of whether or not to adopt the FCR's recommendation to order a bond hearing in immigration court is now ripe for a decision. However, the FCR only recommended that Petitioner be given a bond hearing; it did not recommend Petitioner's immediate release at noon tomorrow (or at any other time). And, Petitioner did not object to the FCR on the grounds that it should have recommended such an immediate release, either by noon tomorrow or otherwise. The government therefore does not agree that the "Petitioner should be released by noon tomorrow" argument that Petitioner is now raising is "ripe" or is in any way connected with the FCR that is currently before the Court. As noted above, that FCR only recommended a bond hearing, and Petitioner did not object that the FCR should have instead recommended immediate release.¹ The government is filing this response on an expedited basis to make its position on this point clear.

Moreover, there is no valid legal basis for ordering Petitioner's release by noon tomorrow (or at any other time—as the FCR explained, Petitioner is at most entitled to a

¹ Petitioner did include a brief statement in his own *response* to the government's objections, filed just two days ago, requesting to be released by noon on December 9, 2025. (See Dkt. No. 15 at 27.) However, this statement in Petitioner's response does not constitute a proper objection to the FCR because it was not filed within the time permitted for objections, and it cannot belatedly serve as a basis for granting this kind of extraordinary relief—which in any event is not legally warranted and has not been fully briefed by the parties.

bond hearing in immigration court, not an order of release from federal court). The fact that Petitioner's son apparently has leukemia is unfortunate, but is not legally germane to the issue before this Court of whether an alien in Petitioner's petition is entitled to a bond hearing in immigration court or rather is subject to mandatory detention without the right to a bond hearing. And even if the Court were inclined to address the substance of this issue, the government would note that (1) Petitioner has waived it by not timely objecting to the FCR, which did not recommend granting relief of this type, and (2) alternately, the government should at the very least have the opportunity to submit full briefing on this issue on a normal timeline (for example, Petitioner's current motion might charitably be construed as a request for leave to submit an untimely objection to the FCR, and if the Court were to grant leave and Petitioner were ultimately to file such an objection, the government would then have time to file a complete and thorough response to explain why the FCR did not err in declining to order the immediate release of Petitioner).

Moreover, the fact that Petitioner's merits removal hearing is scheduled for tomorrow—a fact that he has presumably been aware of for some time—has no legal relevance to the issue presented by this habeas petition (which is whether Petitioner has the right to a bond hearing in immigration court pending the completion of his removal proceedings), but does seem to evidence an intent to attempt to improperly disrupt and delay the orderly processing of the removal proceedings. Indeed, if Petitioner's ostensible concern in this case were simply to vindicate a claimed due process right to have a bond hearing so as to have the chance to potentially limit his time in detention pending the completion of removal proceedings, Petitioner would be welcoming the fact

that his removal hearing is happening tomorrow. After all, once there is a final decision on the removal issue, Petitioner will no longer be subject to the pre-removal-decision custody that he is in right now—he will either be removed from the country (and therefore out of custody), or if he is not found to be removable for some reason, for example if he establishes some defense against removal, he would presumably be released back into the United States (but again, be out of custody). Either way, his time in pre-removal-decision custody will be over and that would be the end of his current claimed injury of being in pre-removal-decision custody without a bond hearing.

For all these reasons, the Court should deny Petitioner's motion to the extent it seeks the relief of Petitioner's immediate release. To the extent Petitioner is merely pointing out the government's objection to the FCR has now been briefed and thus is arguably "ripe," the government has no objection to the Court's proceeding to rule on whether to adopt the FCR by ordering a bond hearing or not. But, there is no basis for Petitioner's last-minute and untimely request for additional relief beyond what the FCR recommends, after Petitioner did not object to the FCR at all.

Respectfully submitted,

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Certificate of Service

On December 8, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Brian W. Stoltz
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